



**FILED**

UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

SEP 02 2005

**MATTHEW J. DYKMAN**  
CLERK

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**K. Gary Sebelius**  
United States Magistrate Judge

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475 U. S. District Courthouse  
444 S.E. Quincy Street  
Topeka, Kansas 66683

785-295-2734  
Fax: 785-295-2809  
[Judge\\_Sebelius@ksd.uscourts.gov](mailto:Judge_Sebelius@ksd.uscourts.gov)

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**FAX TRANSMISSION COVER SHEET**

**Date:** 9/2/05  
**To:** Kim  
**Fax:** 505-348-2028  
**Re:** USA v. Mike Hannah, CR05 1849  
**Sender:** Sheryl Collins, Courtroom Deputy/Judicial Assistant

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YOU SHOULD RECEIVE 15 PAGE(S), INCLUDING THIS COVER SHEET. IF YOU  
DO NOT RECEIVE ALL THE PAGES, PLEASE CALL 785-295-2734

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 05-5028M-01-KGS

MIKE HANNAH,

Defendant.

**ORDER CONTINUING DETENTION HEARING**  
**PURSUANT TO THE BAIL REFORM ACT**

On August 30, 2005, the defendant appeared for a detention hearing pursuant to 18 U.S.C. § 3142. The Government appeared by and through David Zabel, Special Assistant United States Attorney. The defendant appeared in person and through appointed counsel, Melody Evans, Assistant Federal Public Defender.

Previously, on August 26, 2005, the Government moved for the pretrial detention of the defendant contending that no combination of conditions would reasonably assure the appearance of the defendant. At the commencement of the detention hearing on August 30, 2005, the Government announced its intention to introduce into evidence certain information derived from wiretaps, involving communications of the defendant. Just prior to the commencement of this hearing, the Government further stated that it had delivered to defendant's counsel a copy of the affidavit and accompanying application for which the wiretap interception were authorized or approved. Defendant objected to the Government's use of the contents of such intercepted communications pursuant to the requirement of 18 U.S.C. § 2518(9) that evidence derived from such wiretaps will not be disclosed in any hearing unless each party have been furnished such documents not less than ten (10) days before the hearing. Defendant requested two additional days within which to review the voluminous

documents (at least six or seven inches thick) before proceeding with a detention hearing.

Defendant's counsel further requested that the defendant be released pending any such hearing.

18 U.S.C. § 2518(9) specifically provides that the ten-day period may be waived by the judge "if he finds that it was not possible to furnish the party with the above information ten days before the . . . hearing . . . and that the party will not be prejudiced by the delay in receiving such information." After hearing the arguments of counsel, the court concluded that it was not possible for the government to furnish the defendant with this information ten days before the hearing. Further, by continuing this hearing for two additional days within which defense counsel may review the information, any potential prejudice to the defendant resulting from the delay in receiving such information will be ameliorated.

The court specifically finds good cause for a continuance of this matter pursuant to 18 U.S.C. § 3142(f)(2). Based upon the schedules of the court and counsel, the pretrial detention hearing in this matter shall be continued until September 1, 2005, at 8:30 a.m. Defendant shall be detained temporarily pending the detention hearing in this case. Finally, the court finds that the period of delay resulting from the granting of the continuance for a detention hearing shall be excludable time pursuant to 18 U.S.C. § 3161(h)(8) in that the ends of justice outweigh the best interests of the defendant and the public in a speedy trial.

IT IS SO ORDERED.

Dated at Topeka, Kansas, this 31<sup>st</sup> day of August, 2005.

151  
K. Gary Sebelius  
United States Magistrate Judge

**CLERK'S COURT JM MINUTE SHEET - CRIMINAL - MAG RATE JUDGE****UNITED STATES OF AMERICA**

v.

**MIKE HANNAH**

Case No: 05-5028M-01-KGS  
 Age: 59  
 AUSA: David Zabel  
 Deft. Atty.: Melody Evans, AFPD  
☒ Appointed ☐ Retained

JUDGE:	Sebelius	DATE:	8/30/05
DEPUTY CLERK:	Collins	CD:	KGS05-16
LOCATION:	Topeka, Kansas	PRETRIAL/PROBATION:	Paulson

Length of Hearing: Detention hearing: 20 min. (continued to 9/1/05 @ 8:30 a.m.)

**PROCEEDINGS**

<input type="checkbox"/> Rule 5 Hearing	<input type="checkbox"/> Initial Revocation Hearing	<input type="checkbox"/> Bond Hearing
<input checked="" type="checkbox"/> ID/Removal Hearing	<input type="checkbox"/> Held <input checked="" type="checkbox"/> Waived	<input type="checkbox"/> Bond Revocation Hearing
<input type="checkbox"/> Preliminary Hearing	<input type="checkbox"/> Held <input type="checkbox"/> Waived	<input type="checkbox"/> Discovery Conference
<input checked="" type="checkbox"/> Detention Hearing	<input checked="" type="checkbox"/> Continued	
<input type="checkbox"/> Arraignment	<input type="checkbox"/> Held <input type="checkbox"/> Waived	

<input type="checkbox"/> Interpreter:	<input type="checkbox"/> Appointed	<input type="checkbox"/> Sworn
<input type="checkbox"/> Charges and penalties explained to defendant		
<input type="checkbox"/> Defendant sworn and examined re: financial ability to retain counsel		
<input type="checkbox"/> Counsel appointed	<input type="checkbox"/> At defendant's expense	
<input type="checkbox"/> Constitutional rights explained	<input type="checkbox"/> Felony	<input type="checkbox"/> Misdemeanor
<input type="checkbox"/> Defendant declined to waive indictment	<input type="checkbox"/> Will be presented by next Grand Jury	
<input type="checkbox"/> Signed Waiver of Indictment		
<input type="checkbox"/> Advised of rights under	<input checked="" type="checkbox"/> Rule 20	<input checked="" type="checkbox"/> Rule 40
<input type="checkbox"/> Signed Consent to Transfer (Rule 20)		
<input type="checkbox"/> Petition to Enter Plea Filed	<input type="checkbox"/> Plea Agreement Attached	
<input checked="" type="checkbox"/> Transfer under Rule 40 to: District of New Mexico, Albuquerque		

<input type="checkbox"/> <b>ARRAIGNMENT AND PLEA:</b>	<input checked="" type="checkbox"/> No. of Counts	
<input type="checkbox"/> Waived Reading of	<input type="checkbox"/> Read to Defendant	
<input type="checkbox"/> Previous Plea	Counts:	Withdrawn
<input type="checkbox"/> Guilty	Counts:	Accepted
<input type="checkbox"/> Not Guilty	Counts: 1, 3, 24, 25, 26	

<input type="checkbox"/> Bail Denied	<input type="checkbox"/> Bail fixed at	<input type="checkbox"/> Bail remain at
<input type="checkbox"/> \$	<input type="checkbox"/> Unsecured	<input type="checkbox"/> Secured
<input type="checkbox"/> Release Order	<input type="checkbox"/> Executed	<input type="checkbox"/> Continued in effect
<input type="checkbox"/> Deft. remanded to custody	<input type="checkbox"/> Pending compliance with conditions of release	
<input type="checkbox"/> Detention Ordered		

**Deft's next appearance: Detention hearing 9/1/05 @ 8:30 a.m. before Magistrate Judge Sebelius**

**Miscellaneous:** The defendant signs a formal waiver of identity hearing and the court finds that the defendant is the person charged in the indictment. The court proceeded to hear argument regarding the use of evidence derived from wiretap interceptions for the purpose of the pending detention hearing. After hearing arguments of counsel, the detention hearing is continued until 9/1/05 @ 8:30 a.m. to allow defendant additional time to review the documentary evidence regarding the wiretaps in preparation for the hearing. Defendant shall remain in custody pending the hearing. A separate order is also entered regarding this matter.

AO 466A (Rev. 10/03) Waiver of Rule 5 &amp; 5.1 Hearings

## UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF

KANSAS

UNITED STATES OF AMERICA

V.

MIKE HANNAH

Defendant

## WAIVER OF RULE 5 &amp; 5.1 HEARINGS

(Complaint/Indictment)

CASE NUMBER: 05-5028M-01-KGS

CHARGING DISTRICTS  
CASE NUMBER: CR05 1849

I understand that charges are pending in the District of New Mexico

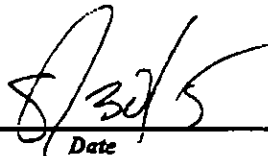
alleging violation of 21 USC §§ 841(a)(1) & 846 & 18 USC § 1956(a) and that I have been arrested in this district and  
(Title and Section)

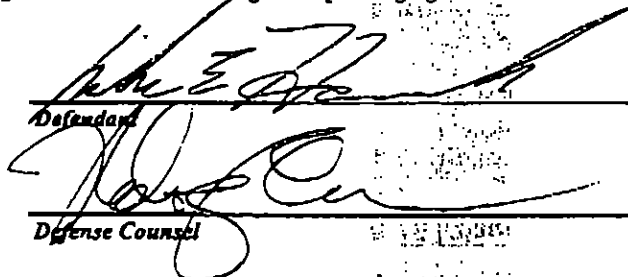
taken before a judge, who has informed me of the charge(s) and my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) a preliminary hearing (unless an indictment has been returned or information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; and
- (4) Request transfer of the proceedings to this district under Rule 20, Fed. R. Crim. P., in order to plead guilty.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

- ☒ identity hearing
- ☐ preliminary hearing
- ☐ identity hearing but request a preliminary hearing be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

  
 Date

  
 Defense Counsel

CLERK'S COURT OM MINUTE SHEET - CRIMINAL - MAG RATE JUDGE

UNITED STATES OF AMERICA

v.

MIKE HANNAH

Case No: 05-5028M-01-KGS  
Age: 59  
AUSA: David Zabel  
Deft. Atty.: Ron Wurtz, AFPD  
x Appointed Retained

JUDGE: Sebellius DATE: 8/26/05  
DEPUTY CLERK: Collins CD: KGS05-16  
LOCATION: Topeka, Kansas PRETRIAL/PROBATION: Ackerly  
Length of Hearing: Rule 5: 15 min.

PROCEEDINGS

- |  |   |                             |
|--|---|-----------------------------|
| (x) Rule 5 Hearing   | ( ) Initial Revocation Hearing                    | ( ) Bond Hearing            |
| ( ) ID/Removal Hearing   | ( ) Held ( ) Waived                               | ( ) Bond Revocation Hearing |
| ( ) Preliminary Hearing  | ( ) Held ( ) Waived                               | ( ) Discovery Conference    |
| ( ) Detention Hearing  | ( ) Held ( ) Waived                               |                             |
| ( ) Arraignment  | ( ) Held ( ) Waived                               |                             |
| ( ) Interpreter:   | ( ) Appointed                                     | ( ) Sworn                   |
| (x) Charges and penalties explained to defendant                         |   |                             |
| (x) Defendant sworn and examined re: financial ability to retain counsel |   |                             |
| (x) Counsel appointed  | ( ) At defendant's expense                        |                             |
| (x) Constitutional rights explained                                      | (x) Felony  | ( ) Misdemeanor             |
| ( ) Defendant declined to waive indictment                               | ( ) Will be presented by next Grand Jury          |                             |
| ( ) Signed Waiver of Indictment  |   |                             |
| (x) Advised of rights under  | (x) Rule 20                                       | (x) Rule 40                 |
| ( ) Signed Consent to Transfer (Rule 20)                                 |   |                             |
| ( ) Petition to Enter Plea Filed   | ( ) Plea Agreement Attached                       |                             |
| (x) Transfer under Rule 40 to: District of New Mexico, Albuquerque       |   |                             |
| ( ) ARRAIGNMENT AND PLEA:  |   | (5) No. of Counts           |
| ( ) Waived Reading of  | ( ) Indictment                                    | ( ) Read to Defendant       |
| ( ) Previous Plea  | ( ) Guilty  | ( ) Not Guilty              |
| ( ) Guilty   |   | Counts: Withdrawn           |
| ( ) Not Guilty   |   | Counts: Accepted            |
|  |   | Counts: 1, 3, 24, 25, 26    |
| ( ) Bail Denied  | ( ) Bail fixed at                                 | ( ) Bail remain at          |
| ( ) \$   | ( ) Unsecured                                     | ( ) Secured                 |
| ( ) Release Order  | ( ) Executed                                      | ( ) Continued in effect     |
| ( ) Deft. remanded to custody  | ( ) Pending compliance with conditions of release |                             |
| ( ) Detention Ordered  |   |                             |

Deft's next appearance: Detention & identity hearing 8/30/05 @ 2 p.m. before Magistrate Judge Sebellius

Miscellaneous: The court appoints the Federal Public Defender to represent the defendant. Government seeks detention under the Bail Reform Act due to risk of flight. Defendant contests the issue of detention. The court sets a detention hearing and identity hearing on 8/30/05 @ 2 p.m. before Magistrate Judge Sebellius.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 05-5028M-01-KGS  
Charging District's Case No. CR05 1849

MIKE HANNAH,

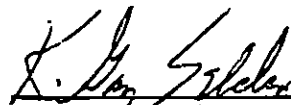
Defendant.

**ORDER THAT DEFENDANT APPEAR IN**  
**DISTRICT OF PROSECUTION**

The defendant having appeared before this Court and proceedings having been concluded and the defendant released;

IT IS ORDERED that the defendant shall answer in the United States District Court for the District of New Mexico at Albuquerque. The defendant shall appear at all proceedings as required. The defendant shall next appear before Magistrate Judge Don J. Svet, United States District Court, 630 U.S. Courthouse, Cimarron Courtroom, Fifth Floor, 333 Lomas Boulevard, N.W., Albuquerque, New Mexico. on September 6, 2005, at 9:30 a.m.

Dated this 2<sup>nd</sup> day of September, 2005, at Topeka, Kansas.



K. Gary Sebelius  
United States Magistrate Judge

**UNITED STATES DISTRICT COURT OF KANSAS  
CASH BOND RECORD FOR AMOUNTS OF \$10,000 AND ABOVE**

UNITED STATES OF AMERICA

VS.

MIKE HANNAH

CRIMINAL CASE # 05-5028M-01 KGS

I, the undersigned, hereby notify the Clerk of Court that I am posting cash bond in the amount of \$ 10,000.00 on behalf of Mike Hannah defendant in the above-entitled matter.

Upon exoneration of the terms and conditions of the bond, as determined by the Court, the full amount posted should be returned to Carol Lee Huntington

Dated: 9/2/05

Signature

Carol Lee Huntington

Full Name of Person Posting Bond

561-64-0829

Social Security #

9/16/1947

Date of Birth

Continental Steel West

Occupation

15300 E. Colossal Cave Rd

Full Street Address

Vail, AZ 85641

City, State, Zip

Mike Hannah

Full Name of Defendant

377-48-2639

Social Security #

7/6/1946

Date of Birth

Steel Fabricator

Occupation

15300 E. Colossal Cave Rd

Full Street Address

Vail, AZ 85641

City, State, Zip

Identification Verification of Individual from Whom the Cash was Received (to be completed by Clerk's office):

561648829

Identification Examined (include #)

State of Arizona

Identification Issued By

Deputy Clerk Signature

US Currency ☐Foreign Currency ☐Cashier's Check(s) ☐Money Order(s) ☐Bank Draft(s) ☐☒ Traveler's Check(s) ☐

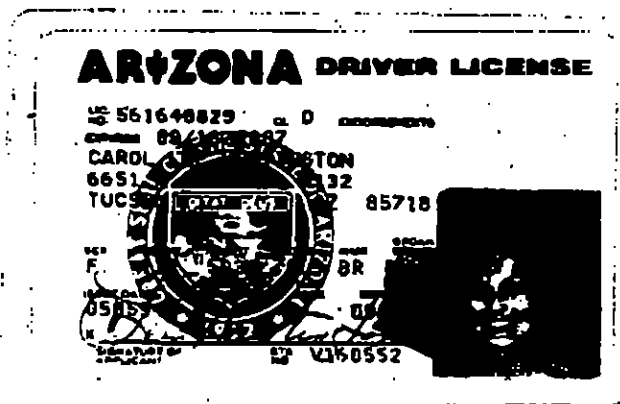
Amount in \$100 bills  
or higher

Country

Wire transfer to Intrust Bank in Wichita to Courts Account

Issuer's Name &amp; Serial # of monetary instrument





CAROL LEE HUNTINGTON  
15300 E. COLOSSAL CAVE RD  
VAIL, ARIZONA 85641

MAILING ADDRESS: P.O. Box 31  
VAIL, AZ 85641-0031

DOB: 09-16-47

SSN: 561640829

OCCUP: CONTINENTAL STEEL WEST  
3101 E. 46<sup>TH</sup> ST.  
TUCSON, AZ 85713-5214  
PART-TIME SECRETARY

RETURN BOND (\$10,000.<sup>00</sup>) TO: CAROL LEE HUNTINGTON

**CLERK'S COURTROOM MINUTE SHEET - CRIMINAL - MAGISTRATE JUDGE****UNITED STATES OF AMERICA**

v.

**MIKE HANNAH**

Case No: 05-5028M-01-KGS  
 Age: 59  
 AUSA: David Zabel  
 Deft. Atty.: Melody Evans, AFPD  
☒ Appointed ☐ Retained

JUDGE: Sebelius DATE: 9/2/05  
 DEPUTY CLERK: Collins CD: KGS05-16  
 LOCATION: Topeka, Kansas PRETRIAL/PROBATION: Paulson

Length of Hearing: Bond Status Hearing: 5 min.

**PROCEEDINGS**

<input type="checkbox"/> Rule 5 Hearing	<input type="checkbox"/> Initial Revocation Hearing	<input checked="" type="checkbox"/> Bond Status Hearing
<input type="checkbox"/> ID/Removal Hearing	<input type="checkbox"/> Held <input type="checkbox"/> Waived	<input type="checkbox"/> Bond/Revocation Hearing
<input type="checkbox"/> Preliminary Hearing	<input type="checkbox"/> Held <input type="checkbox"/> Waived	<input type="checkbox"/> Discovery Conference
<input type="checkbox"/> Detention Hearing	<input type="checkbox"/> Held <input type="checkbox"/> Waived	
<input type="checkbox"/> Arraignment	<input type="checkbox"/> Held <input type="checkbox"/> Waived	
<input type="checkbox"/> Interpreter:	<input type="checkbox"/> Appointed	<input type="checkbox"/> Sworn
<input type="checkbox"/> Charges and penalties explained to defendant		
<input type="checkbox"/> Defendant sworn and examined re: financial ability to retain counsel		
<input type="checkbox"/> Counsel appointed	<input type="checkbox"/> At defendant's expense	
<input type="checkbox"/> Constitutional rights explained	<input type="checkbox"/> Felony	<input type="checkbox"/> Misdemeanor
<input type="checkbox"/> Defendant declined to waive indictment	<input type="checkbox"/> Will be presented by next Grand Jury	
<input type="checkbox"/> Signed Waiver of Indictment		
<input type="checkbox"/> Advised of rights under	<input type="checkbox"/> Rule 20	<input type="checkbox"/> Rule 40
<input type="checkbox"/> Signed Consent to Transfer (Rule 20)		
<input type="checkbox"/> Petition to Enter Plea Filed	<input type="checkbox"/> Plea Agreement Attached	
<input type="checkbox"/> Transfer under Rule 40 to: District of New Mexico, Albuquerque		
<input type="checkbox"/> <b>ARRAIGNMENT AND PLEA:</b>		
<input type="checkbox"/> Waived Reading of	<input type="checkbox"/> Indictment	<input type="checkbox"/> No. of Counts
<input type="checkbox"/> Previous Plea	<input type="checkbox"/> Guilty	<input type="checkbox"/> Read to Defendant
<input type="checkbox"/> Guilty		Counts: Withdrawn
<input type="checkbox"/> Not Guilty		Counts: Accepted
		Counts:
<input type="checkbox"/> Bail Denied	<input checked="" type="checkbox"/> Bail fixed at	<input type="checkbox"/> Bail remain at
<input checked="" type="checkbox"/> \$100,000 or property	<input type="checkbox"/> Unsecured	<input checked="" type="checkbox"/> Secured
<input checked="" type="checkbox"/> Release Order	<input checked="" type="checkbox"/> Executed	<input type="checkbox"/> Continued in effect
<input type="checkbox"/> Deft. remanded to custody	<input type="checkbox"/> Pending compliance with conditions of release	
<input type="checkbox"/> Detention Ordered		

Deft's next appearance: 9/6/05 @ 9:30 a.m. before Magistrate Judge Don Svet, Albuquerque, NM

Miscellaneous: Defendant has met the bond requirement and is released on the court's conditions of pretrial release. Defendant is ordered to appear on 9/6/05 @ 9:30 a.m. before Magistrate Judge Don Svet, U.S. District Court, Cimarron Courtroom, Fifth Floor, Albuquerque, NM.

**CLERK'S COURTROOM MINUTE SHEET - CRIMINAL - MAGISTRATE JUDGE****UNITED STATES OF AMERICA**

v.

**MIKE HANNAH**

Case No: 05-5028M-01-KGS  
 Age: 59  
 AUSA: David Zabel  
 Deft. Atty.: Melody Evans, AFPD  
☒ Appointed ☐ Retained

JUDGE: Sebelius DATE: 9/1/05  
 DEPUTY CLERK: Collins CD: KGS05-16  
 LOCATION: Topeka, Kansas PRETRIAL/PROBATION: Paulson  
 Length of Hearing: Detention hearing: 2 hr.

**PROCEEDINGS**

<input type="checkbox"/> Rule 5 Hearing	<input type="checkbox"/> Initial Revocation Hearing	<input type="checkbox"/> Bond Hearing
<input type="checkbox"/> ID/Removal Hearing	<input type="checkbox"/> Held <input type="checkbox"/> Waived	<input type="checkbox"/> Bond Revocation Hearing
<input type="checkbox"/> Preliminary Hearing	<input type="checkbox"/> Held <input type="checkbox"/> Waived	<input type="checkbox"/> Discovery Conference
<input checked="" type="checkbox"/> Detention Hearing	<input checked="" type="checkbox"/> Held <input type="checkbox"/> Waived	
<input type="checkbox"/> Arraignment	<input type="checkbox"/> Held <input type="checkbox"/> Waived	
<input type="checkbox"/> Interpreter:	<input type="checkbox"/> Appointed	<input type="checkbox"/> Sworn
<input type="checkbox"/> Charges and penalties explained to defendant		
<input type="checkbox"/> Defendant sworn and examined re: financial ability to retain counsel		
<input type="checkbox"/> Counsel appointed	<input type="checkbox"/> At defendant's expense	
<input type="checkbox"/> Constitutional rights explained	<input type="checkbox"/> Felony	<input type="checkbox"/> Misdemeanor
<input type="checkbox"/> Defendant declined to waive indictment	<input type="checkbox"/> Will be presented by next Grand Jury	
<input type="checkbox"/> Signed Waiver of Indictment		
<input type="checkbox"/> Advised of rights under	<input type="checkbox"/> Rule 20	<input type="checkbox"/> Rule 40
<input type="checkbox"/> Signed Consent to Transfer (Rule 20)		
<input type="checkbox"/> Petition to Enter Plea Filed	<input type="checkbox"/> Plea Agreement Attached	
<input type="checkbox"/> Transfer under Rule 40 to:		
<input type="checkbox"/> <b>ARRAIGNMENT AND PLEA:</b>		
<input type="checkbox"/> Waived Reading of	<input type="checkbox"/> Indictment	<input type="checkbox"/> Information
<input type="checkbox"/> Previous Plea	<input type="checkbox"/> Guilty	<input type="checkbox"/> Not Guilty
<input type="checkbox"/> Guilty		
<input type="checkbox"/> Not Guilty		
<input type="checkbox"/> Bail Denied	<input checked="" type="checkbox"/> Bail fixed at	<input type="checkbox"/> Bail remain at
<input checked="" type="checkbox"/> \$100,000 or property	<input type="checkbox"/> Unsecured	<input checked="" type="checkbox"/> Secured
<input checked="" type="checkbox"/> Release Order	<input checked="" type="checkbox"/> Executed	<input type="checkbox"/> Continued in effect
<input type="checkbox"/> Deft. remanded to custody	<input type="checkbox"/> Pending compliance with conditions of release	
<input type="checkbox"/> Detention Ordered		

Deft's next appearance: Bond status hearing 9/2/05 @ 1 p.m. before Magistrate Judge Sebelius.

Miscellaneous: Government calls DEA Agent Richard Stark as their first witnesses. Government relies on "risk of flight and danger to community" in requesting detention. The court, after hearing the testimony of the witness, proffers of the parties and arguments of counsel, finds that government's motion for pretrial detention is DENIED. Pending compliance with the court's conditions of pretrial release, the court releases defendant on conditions of pretrial release. A secured appearance bond in the amount of \$100,000 or property of equivalent equity is required. The court sets a bond status hearing for 9/2/05 @ 1 p.m. If defendant is able to post bond he is ordered to appear Tuesday, September 6, 2005, before Magistrate Judge Svet, Cimarron Courtroom, 5<sup>th</sup> Floor, Albuquerque, NM,

**WITNESSES FOR:** Government

Date	Name	Sworn
------	------	-------

9/1/05 Richard Stark, DEA Agent

✓